



PATENT
Attorney Docket No. 44921-5131-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Uwe SCHERF**)
Application No.: **10/629,618**) Group Art Unit: **1645**
Filed: **July 30, 2003**) Examiner: **Unassigned**
For: **Nucleic acid detection assay control genes**)

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449 form. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this Information Disclosure Statement.

Copies of the documents listed are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents constitutes "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 24, 2004

By:

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			Applicant: Uwe SCHERF		PAGE 1 of 1	
			Filing Date: July 30, 2003		Group Art Unit: 1645	
U.S. PATENT DOCUMENTS						
Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
FOREIGN PATENT DOCUMENTS						
	Document Number	Date	Country	Class	Sub Class	Translation
						YES
	WO 00/04188	2000-01-27	PCT	C12Q	1/68	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)						
	Eickhoff <i>et al.</i> , "Normalization of array hybridization experiments in differential gene expression analysis," <i>Nucl Acids Res</i> 27(22):e33 (1999)					
	Hegde <i>et al.</i> , "A concise guide to cDNA microarray analysis," <i>Biotechniques</i> 29(3):548-562 (2000)					
	Lockhart <i>et al.</i> , "Expression monitoring by hybridization to high-density oligonucleotide arrays," <i>Nat Biotechnol</i> 14(13):1675-1680 (1996)					
	McGall <i>et al.</i> , "Light-directed synthesis of high-density oligonucleotide arrays using semiconductor photoresists," <i>Proc Natl Acad Sci USA</i> 93(24):13555-13560 (1996)					
	Schuchhardt <i>et al.</i> , "Normalization strategies for cDNA microarrays," <i>Nucl Acids Res</i> 28(10):e47 (2000)					
	Spiess <i>et al.</i> , "Normalization of RNA hybridization signals by means of SYBR green II-stained 28S or 18S ribosomal RNA and a phosphor imager," <i>Biotechniques</i> 26(1):46-50 (1999)					
	Tkatchenko <i>et al.</i> , "Large-scale analysis of differential gene expression in the hindlimb muscles and diaphragm of mdx mouse," <i>Biochimica et Biophysica Acta</i> 1500(1):17-30 (2000)					
	Winzeler <i>et al.</i> , "Fluorescence-based expression monitoring using microarrays," <i>Meth Enzymol</i> 306:3-18 (1999)					
Examiner:			Date Considered:			
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						